

**TENNESSEE BOARD LICENSED PROFESSIONAL COUNSELORS, MARITAL AND  
FAMILY THERAPIST AND CLINICAL PASTORAL THERAPIST  
MINUTES**

**Date:** August 20, 2004

**Time:** 9:00 A.M., CST

**Location:** Tennessee Room  
Ground Floor, Cordell Hull Building  
Nashville, TN 37247

**Members**

**Present:** Stuart Bonnington, L.M.F.T., President  
Murphy Martin, L.P.C., Secretary/Treasurer  
Janet Scott, L.P.C.  
Dan Hammer, L.M.F.T.  
Robert Kirk, Ph.D., Citizen Member

**Staff**

**Present:** Sherry Owens, Board Administrator  
Bob Kraemer, Advisory Attorney  
Rick Agee, Unit Director  
Joan Burk, Board Administrator

**Staff**

**Absent:** Robbie Bell, Director  
Richard Russell, Advisory Attorney

Dr. Bonnington, president, called the meeting to order at 9:00 a.m. A sufficient number of board members were present to constitute a quorum.

**Review minutes**

Upon review of the May 7, 2004 minutes, Dr. Martin made a motion, seconded by Dr. Scott, to approve the minutes pending correction of the statements made by Dr. Bonnington on page three of the minutes. The motion carried.

**Conduct contested case hearing on Stephanie Scott, L.P.C.**

Ms. Owens stated the contested case hearing on Stephanie Scott, L.P.C. is continued until the November meeting.

### **Conflict of interest**

Mr. Kraemer said he is attending the board meeting as advisory attorney in the absence of Richard Russell. Mr. Kraemer discussed the conflict of interest policy with the board stating if the members have any interest on any issues that come before the board they should recuse themselves from voting on those issues.

Mr. Kraemer said Rules 0450-1-.01, .02, .10, .12, 0450-2-.12, 0450-3-.01, .03, .04, .05, .06, .07, .08, .09, .11, .12, .13, .15, .16, .17, .19, changing CPT certified to "licensed," Professional Counselor/MHSP scope and CPCAS supervision was sent to the Attorney General on January 13, 2004 for review.

Mr. Kraemer said Rule 0450-1, 2, 3-.15, regarding order modification compliance, has been sent to the Secretary of State for effective dates.

Mr. Kramer said Rules 0450-1-.07, 0450-2-.06, .07, 0450-3-.07, .08, regarding updating the application process and fee reductions, were sent to the Attorney General March 10, 2004 for review.

Mr. Kraemer said Rule 0450-1, 2, 3-.12, regarding continuing education approved by course, was sent to the Attorney General May 14, 2004 for their signature and filing.

Mr. Kraemer said Rule 0450-2-.01, -.10, regarding supervisor-in-training, is being presented to the board today for approval.

Mr. Kraemer said there is one contested case which is continued to the November 2004 meeting.

Mr. Kraemer said a summary of all the cases in OGC is attached for the board's review. Mr. Kraemer said the summary indicates the board has ten (10) cases in OGC.

### **Investigative report**

Ms. Phelps said no new complaints against Licensed Professional Counselors have been received this year, but there were eight complaints carried over from last year. Ms. Phelps said the eight complaints have been closed: one with no action, one with a letter of warning and, six referred to the Office of General Counsel for prosecution.

Ms. Phelps said there are no complaints against Clinical Pastoral Therapists.

Ms. Phelps said two new complaints received against Marital and Family Therapists are pending. Ms. Phelps said one complaint is for unprofessional conduct and the other is for an unlicensed practice.

### **Disciplinary report**

Ms. Phelps said there is currently one Licensed Professional Counselor being monitored. Ms. Phelps stated she has also included a list of all licensees disciplined by the board.

### **Report from Jerry Kosten, Regulations Manager**

Mr. Kosten discussed the rulemaking hearing conducted August 10, 2004 to amend Rule 0450-2-.01 and .10 regarding the definition and qualifications of approved supervisors. Upon review, Dr. Hammer made a motion, seconded by Dr. Murphy, to adopt the amendment as written. A roll call vote was conducted and all members voted in the affirmative.

Mr. Kosten asked if there were a deadline for the Clinical Pastoral Therapist grandfathering. Ms. Owens said the deadline is 2006 and that she has received several grandfathering applications. Dr. Martin thanked the staff for getting the grandfathering application in place.

Dr. Kirk asked if they could receive the board book material to review prior to the meetings. Ms. Owens stated that confidential information cannot be sent in the mail. Mr. Agee said he sees no reason why the board couldn't receive some material prior to the board meeting.

### **Financial report**

Mr. Agee reviewed the financial report stating the board is now operating with a surplus of \$67,561, which is due in part, to the late fee increase imposed July 30, 2003.

### **Administrative report**

Ms. Owens stated that out of the 946 active Licensed Professional Counselors, 583 are MHSP endorsed. Ms. Owens said there are 258 active Marriage and Family Therapists and 28 Clinical Pastoral Therapists.

Ms. Owens said the CQI report is being conducted semi-annually instead of quarterly. Ms. Owens said the application processing time is 231 days for LPC's, 541 days for MFT's and 103 days for CPT's. Ms. Owens said this is due to temporary licensure, supervision and examinations.

Ms. Owens said between April 29, and August 17, 2004, 25 LPC's, 3 MFT's and 0 CPT's renewed online.

Ms. Owens said licensees must be careful when changing their address on line as some of the same information is requested in two fields and must be recorded in both areas to complete the address change.

The board asked Ms. Owens if there could be a direct link to the HRB website. Ms. Owens said she will discuss this with Mr. Agee and Ms. Bell.

Dr. Hammer asked if the Board website could have a group photo of the board members to help personalize the Board. Ms. Owens said she will discuss this with Mr. Agee and Ms. Bell.

Ms. Owens said travel will be considered for board business in or out of state and asked that board members submit all travel information 120 days prior to the conference/meeting in order to get the travel request approved/disapproved, in a timely manner.

### **Continuing education audit**

Mr. Agee said the 2001-2002 continuing education audit is complete with the exception of MFTs. Dr. Bonnington said he will get with Ms. Owens to finish the project for reporting to the board at the next meeting.

Mr. Agee said a large number of certified mail was returned due to licensees not submitting change of addresses. Mr. Agee suggested imposing a fee on those licensees who do not submit a change of address within the time allotted by the Rules and Regulations. Dr. Bonnington asked that the address rule be sunshined for the next board meeting.

Dr. Scott asked if the name of the licensees not in compliance with the continuing education requirements could be placed on the website. Mr. Agee said it could be done by board action if brought before the board by the OGC as a contested case hearing or agreed order.

### **Discuss and consider issuance of artistically designed wall licenses for those licensees with more than one office**

Mr. Agee said the artistically designed license, which does not contain an expiration date, is being displayed on the wall by some professionals who have not renewed their license. Mr. Agee said if the board elected to add the expiration date on the artistically designed license, a new artistically designed license would have to be issued every two years.

Mr. Kraemer suggested adding a requirement that third party payers notify the board if they find a practitioner doesn't have a valid current license.

Mr. Kraemer said pursuant to the statutes practitioners must place a sign in a conspicuous place at the entrance of the practitioner's office in intelligible lettering not less than one inch in height containing the name of the practitioner, their professional degree and their profession.

### **Discuss and take action on disciplinary guidelines**

Mr. Kraemer said it was dangerous for any administrator to presuppose what a professional counselor will do but if you look behind TAB 24 you will see the disciplinary guidelines.

Mr. Kraemer said, historically speaking, every 4 to 6 years the Comptroller of the Treasurer conducts an audit, which is part of the sunset review process, to make sure the boards are doing what the legislation has empowered, authorized and instructed the boards to do. Mr. Kramer said the auditors made a recommendation to the legislature that all boards have disciplinary

guidelines to give them a benchmark to use for consistent discipline. Mr. Kraemer said the disciplinary guidelines were developed based on the scope and severity of the discipline and is flexible which allows the board to deviate between categories of discipline.

Upon review, Dr. Kirk made a motion, seconded by Dr. Martin, to accept the disciplinary guidelines as written. The motion carried.

#### **Discuss and consider appointing an independent reviewer to access medical records**

Mr. Kraemer said a law was passed that authorizes the collection of medical records, if required for an investigation, by an independent reviewer. Mr. Kraemer said the independent reviewer must be a licensed profession, in good standing, of the profession whose records are being obtained. Mr. Kraemer suggested that the board select the board consultant as the independent reviewer.

Upon discussion, Dr. Hammer made a motion, seconded by Dr. Martin, to designate the board's consultants as independent reviewers. The motion carried.

Mr. Agee said he will send out letters to local practitioners in an effort to get more board consultants.

#### **Discuss and consider ways to speed up the process for applicants waiting to take examinations**

Dr. Bonnington asked Ms. Owens if there is a way to speed up the process for the exams since the applicant for LPC/MHSP takes the NBCC exam first and upon passing the exam is approved to take the jurisprudence exam.

Ms. Owens said the biggest concern is that the NBCC examination is only given in April and October each year. Ms. Owens stated that applicants have a deadline to register for the exams in order to get the prometric centers set up to give the exams. Ms. Owens said if the board would allow applicants to take the two exams concurrently, prior to completing their supervision, it could help speed up the licensure process but there will still be applicants caught in the middle.

Dr. Bonnington stated he does not have a problem with applicants taking the jurisprudence exam and NBCC exam at the same time.

Dr. Hammer said the problem with the LPC exams, as opposed to the MFT exams, is the delegate organization controls the MFT exam.

Ms. Owens stated it would affect those applicants coming in from other states and will contact NBCC to see if another testing date can be added between April and October. Ms. Owens said she will report back to the board at the next meeting.

Ms. Owens said she is waiting for a reply from Shawn O'Brien regarding the MFT and CPT examination.

### **Review and discuss correspondence**

Dr. Bonnington stated he did not bring the letter from Mark Green and asked that it be placed on the agenda for the next meeting.

The board discussed the letter from Caryn Schmitz regarding the oral examination which Dr. Scott administered. Dr. Bonnington asked Mr. Kraemer what the board's options are for an appeal. Mr. Kraemer said Ms. Schmitz can ask to retake the exam or appeal this exam.

Dr. Bonnington said the board will ask the board consultant to listen to Caryn Schmitz' tape, and accept the decision of the consultant. Dr. Kirk made a motion, seconded by Dr. Martin, to have the board consultant listen to the Caryn Schmitz oral examination tape and grant or deny licensure based on the consultant's decision. The motion carried.

Dr. Bonnington asked Ms. Owens to send the tape to Dr. Cravens via certified mail. Dr. Martin suggested making a duplicate tape before placing it in the mail.

### **Ratify oral examination results**

Dr. Kirk made a motion, seconded by Dr. Martin, to ratify the passing score of the oral examination for the following candidates:

#### **LPC-MHSP**

Jeraldine Ziegler  
SallyAnn Schwartz  
Patricia Humphreys  
Patrick Hopper  
Melanie Kromer  
Fredrick Robinson  
Sonya Quinn  
Kimberly Johnson  
Christine Wade  
Sharon Cummings

#### **LPC**

David Chaney

#### **LMFT**

Patricia Reis  
James Savage  
Anita Cochran  
Cynthia Gamble  
Barbara Radinsky

Mary Lou Kennedy  
Nicole hart George Tsirgiotis

**LPC/MHSP FAIL**

Solomie Guinn

The motion carried.

**Ratify newly licensed LPC's, MFT's and CPT's**

Dr. Hammer made a motion, seconded by Dr. Scott, to ratify the following newly licensed LPC's, MFT's, and CPT's:

**LPC's**

Matthew A. Black  
Thomas A. Chilton  
Brenda Kay Conrad  
Sonja S. Fulmer  
Patrick H. Hopper  
Kimberly Diane Johnson  
Melanie C. Kromer  
Phillip W. Owens  
Elizabeth Ann Pincus  
Faith V. Raymore  
Fredrick Robinson  
Kathy W. Russell  
Sherry Semrau  
Andra R. Workey

**LMFT**

Nicole Hart

**CPT**

Edward L. Bye

**Review applicant files**

There were no files to review.

### **Other board business**

Ms. Owens said she is receiving calls from theological school students regarding LPC licensure. Ms. Owens said the students have the 60 semester hours but some of the courses are questionable so she referred them to the rules or the registrar's office. Ms. Owens asked if there anything that could make this easier on her as far as the classes appear to be human growth rather than counseling or theories in psychopathology.

Dr. Bonnington said human growth fits under life span development and suggested that Ms. Owens call or e-mail Dr. Hammer or Dr. Martin to find out if a course is appropriate.

Dr. Hammer said he sent a letter to Ms. Owens and Dr. Bonnington regarding travel to various meetings. Dr. Hammer said the TAPA is meeting today and since it wasn't announced until after the last board meeting can the board ask for reimbursement? Ms. Owens asked Dr. Hammer to send the information and she would submit it for reimbursement. Ms. Owens emphasized the need for board members to use World Travel for all travel arrangements.

### **Schedule 2005 board meeting dates**

The board members selected the following dates for the 2005 board meetings.

February 18, 2005  
May 20, 2005  
August 19, 2005  
November 18, 2005

Ms. Owens said if a change needs to be made she will notify the board members to choose another date appropriate for all members.

With no other business to discuss, Dr. Kirk made a motion, seconded by Dr. Scott, to adjourn. The motion carried and the meeting adjourned at 10:50.

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